

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD LARABA,

Defendant.

DECISION AND ORDER
19-CR-36-A

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On December 17, 2019, the Magistrate Judge filed a Report, Recommendation and Order (Dkt. No. 37) that recommends that defendant Laraba's motions to dismiss Counts 1 and 2 of the Indictment be denied. Dkt. No. 31. The defendant filed objections to the recommendations (Dkt. No. 40), the United States responded (Dkt. No. 42), and the defendant replied (Dkt. No. 43).

Pursuant to 28 U.S.C. §636(b)(1), the Court must make a *de novo* determination of those portions of a report and recommendation to which objections have been made. After reviewing the record the Court has deemed the objections submitted without oral argument. Upon *de novo* review it is hereby

ORDERED that the motions to dismiss of defendant Laraba (Dkt. No. 31) are denied for the reasons stated in the Report, Recommendation and Order (Dkt. No. 37). The Court has carefully considered defendant Laraba's objections, and finds them to be without merit, and it is further

ORDERED that counsel for the parties shall confer and shall file a motion on or before May 4, 2020, requesting either that the Court set a date for trial or grant a brief adjournment for the parties to exhaust any change-of-plea negotiations. If moving for a trial date, the parties should advise the Court approximately how long the trial is expected to last. If seeking an adjournment, the parties shall provide the Court with enough facts to permit the Court to assess whether interests of justice warrant a Speedy Trial Act exclusion of time under 18 U.S.C. § 3161(h)(7)(A).

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: April 30, 2020